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09/833,338	04/12/2001	Faisal M. Awada	AUS920000880US1	3777

7590 02/23/2004	EXAMINER
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P.O. BOX 969	2682	5
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DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   Claim 18 objected to because of the following informalities: on page 16 "plurality of

business card" should be changed to "plurality of business cards". Appropriate correction is

required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-5, 7, 8, 10-15 and 22-26 are rejected under 35 U.S.C. 102(b) as being

anticipated by Smith (U.S. Patent No. 5,923,327).

Regarding claim 1, Smith discloses a method of providing electronic business cards via a cellular

phone (figure 1, number 210), comprising: storing data of said business card in non-volatile

storage (figure 6, column 6, lines 47-64, column 5, lines 15-19 and figure 4, number 444 column

5, 58-64 and column 11, lines 41-48); connecting a call between said cellular phone and a

recipient cellular phone (column 11, lines 9-22); transmitting said data of said business card to

said recipient cellular phone during said call (column 8, lines 18-32 and column 11, lines 24-40).

Regarding claim 2, Smith discloses the method of claim 1 further comprising entering said data

utilizing a keypad of said cellular phone and selectable menu items on said cellular phone (figure

3, number 330, figure 4, number 450 and figure 13, numbers 1310 and 1320).

Regarding claim 3, Smith discloses the method of claim 1 wherein said storing step comprises storing said data in non-volatile storage of said cellular phone (figure 6, column 6, lines 47-64, column 5, lines 15-19 and figure 4, number 444 column 5, 58-64, column 8, lines 11-17 and column 11, lines 41-48).

Regarding claim 4, Smith discloses the method of claim 1 wherein said storing step comprises storing said data in a network database accessible to said cellular phone via a cellular network (column 3, lines 66-67, column 8, lines 18-24, column 6, lines 40-46, column 8, lines 11-17, column 10, lines 21-34, column 11, lines 9-18 and column 11, lines 41-48).

Regarding claim 5, Smith discloses the method of claim 1 wherein said data is selected from among a name, a business name, a phone number, an address, an email address, and a web address (figures 11A-11B, numbers 1110 and 1120 column 8, lines 11-17).

Regarding claim 7, Smith discloses the method of claim 1 wherein said transmitting step includes selecting a menu function for transmitting said business card (figures 8A-8D, 17A, 17B and column 11, lines 19-31).

Regarding claim 8, Smith discloses the method of claim 7 wherein said selecting step further selects said business card from a plurality of available business cards stored in said non-volatile memory (figures 15, numbers 1510 and 1520 and column 9, lines 12-column 10, lines 20).

Regarding claim 10, Smith discloses a cellular telephone (figure 4) comprising: a processor (figure 4, number 430) and associated non-volatile memory (figure 4, number 444); a display device (figure 4, number 470); and program code executed by said processor (figure 5, number 520 and 540, column 5, lines 58-64 and column 6, lines 23-31) for providing electronic transmission of a business card to a recipient cellular phone (column 11, lines 9-14), comprising

code for: storing business card information in said associated non-volatile memory (column 5, lines 57-64 and column 11, lines 32-47); transmitting said business card information to said recipient cellular phone responsive to a user selection of a business card transmit menu function (figure 8, number 810, figure 17, number 1721 and column 11, lines 9-14 and 19-23, column 9, lines 12- column 10, lines 20).

Regarding claim 11, Smith discloses the cellular telephone of claim 10 further comprising program code for: displaying a plurality of menu functions for inputting said business card information (figures 3, 8-12 and column 6-column 8, lines 59), storing said business card information (column 11, lines 14-18 and lines 41-48 and figures 18A, refer to SAVE), and subsequent transmission (column 11, lines 9-14 and figures 8A, 13A, 15, refer to DIAL and figure 17B, refer to SEND) and manipulation of said business card information (figures 8B, 11, 12C, 13B, refer to EDIT and column 7, lines 50-56, column 8, lines 60-65).

Regarding claim 12, Smith discloses the cellular telephone of claim 11 wherein said program code for inputting business card information prompts a user for said business card information responsive to a selection of a menu function for entry of said business card information (column 6, lines 65-columns 7, lines 42).

Regarding claim 13, Smith discloses the cellular telephone of claim 12 further comprising program code for displaying said business card information in a business card format on said display device (figure 13, 15, 17 and 18).

Regarding claim 14, Smith discloses the cellular telephone of claim 13 wherein said displaying program code scales said business card information to fit within said display device prior to said display (column 7, lines 57-63).

Regarding claim 15, Smith discloses the cellular telephone of claim 13 further comprising

program code for receiving said business card information from a sender via a cellular network

(figure 2 and column 6, lines 55-64 and column 11, lines 9-12).

Regarding claim 22, Smith discloses a cellular phone system that enables transmission of

electronic business cards (figure 2), comprising: a network for connecting wireless calls and

transmitting data from one cellular phone unit to another; a recipient's cellular phone, capable of

receiving calls and data from said network (figure 2, numbers 210 and 240 and column 4, lines

33-61); a sender's cellular phone that includes program code for storing and transmitting business

card data via said network to said recipient's cellular phone (column 11, lines 9-18), wherein said

program code transmits said business card data responsive to a user selecting a transmit function

on said sender's cellular phone during a call to said recipient's cellular phone (column 11, lines

29-31).

Regarding claim 23, Smith discloses the cellular phone system of claim 22 wherein said

recipient's cellular phone further displays business card data received from said network in a

business card format (figure 18A and column 11, lines 9-11 and lines 32-40).

Regarding claim 24, Smith discloses the cellular phone system of claim 23, wherein said sender's

cellular phone further includes program code (figure 5, number 520 and 540) for displaying

selectable menu items for entering data of said business card via a keypad of said sender's

cellular phone (figure 4, number 470 and 450, figure 5, number 525 and figure 3, number 330

and column 9, lines 11-41).

Regarding claim 25, Smith discloses the cellular phone system of claim 24 wherein said sender's

cellular phone further comprises program code for sorting a business card from among various

other business cards within said non-volatile storage based on a user selected criteria (column 3,

lines 17-35, figure 15, numbers 1510 and 1520, column 5, lines 57-column 6, lines 2, column 6,

lines 32-39 and 47-55, column 7, lines 24-33, column 8, lines 11-17 and column 8, lines 57-64).

Regarding claim 26, Smith discloses the cellular phone system of claim 25, wherein said

recipient's cellular phone further comprises program code for receiving said business card

(column 11, lines 32-40), displaying (figure 18, numbers 1810 and 1820) said business card and

storing a received business card in non-volatile memory (column 11, lines 41-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith

(U.S. Patent No. 5, 923, 327) further in view of Shachar (U.S. Patent No. 5, 764, 736).

Regarding claim 6, Smith discloses the method of claim 1. However, Smith fails to disclose

transmitting step is completed in response to a recipient's request for said business card. But,

Shachar discloses transmitting step is completed in response to a recipient's request for said

business card (column 10, lines 33-49). Therefore, at the time of the invention it would have

been obvious to a person of ordinary skill in the art to combine Smith (U.S. Patent No. 5, 923,

327) with Shachar (U.S. Patent No. 5, 764, 736) in order to allow the user to pick and choose

between important and less important cards.

Regarding claim 9, the combination of Smith and Shachar discloses the method of claim 8,

further comprising transmitting a request for a receipt of business card data (see Shachar column

10, lines 33-49) from another cellular phone user during a call connected between said another

cellular phone user and said cellular phone; and receiving business card data from said another

cellular phone user (see Smith column 11, lines 9- in response to said transmitting of said request

(see Shachar column 10, lines 33-49).

4.   Claims 16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Smith (U.S. Patent No. 5, 923, 327) further in view of Peacock (U.S. Patent No. 6, 601, 111).

Regarding claim 16, Smith discloses the cellular telephone of claim 15. However, Smith fails to

disclose wherein said receiving program code includes program code for outputting an alert

signal when said business card information is received from said cellular network. But, Peacock

discloses outputting an alert signal when said business card information is received from said

cellular network (figure 6, figure 8, numbers 810, 820 and column 8, lines 33-47). Therefore, at

the time of the invention it would have been obvious to a person of ordinary skill in the art to

combine Smith (U.S. Patent No. 5, 923, 327) with Peacock (U.S. Patent No. 6, 601, 111) in order

to act on valuable message as soon as it arrives.

Regarding claim 19, the combination of Smith Peacock disclose the cellular phone of claim 16

further comprising program code for automatically dialing a phone number of a business card,

which is being displayed on said cellular phone in response to a user selection of a talk function

of said cellular phone (see Smith column 7, lines 6-14, column 9, lines 22-33 and figures 13A).

Regarding claim 20, the combination of Smith Peacock disclose the cellular phone of claim 19

further comprising program code and logic for automatically creating an email shell for

transmission of an email to an email address on a business card currently being displayed on said

cellular phone in response to a user selection of an email function of said cellular phone (see

Smith figure 6, column 6, lines 47-61, figure 8D, column 7, lines 24-33, figures 9 and 10,

column 7, lines 34-56).

Regarding claim 21, the combination of Smith Peacock disclose the cellular phone of claim 20

further comprising program code for: storing said business card data in a mailbox located at a

database remote from said cellular phone (see Smith column 4, lines 32-37 and column 11, lines

41-48); and storing a contact link of said business card data in non-volatile memory of said

cellular phone (see Smith column 5, lines 56-64 and column 11, lines 41-48), wherein selection

of said contact link dynamically links said cellular phone to said mailbox and uploads said

business card data into said cellular phone (see Smith column 4, lines 32-37 and column 11, lines

41-48 and column 8, lines 11-17). Regarding the claimed limitation of storing mailbox at remote

database and contact link at local and linking the two together, Smith discloses the ability of

storing at both locations (see Smith column 11, lines 41-48 column 8, lines 11-17), also Smith

discloses that one skilled in the art can modify the program as needed (column 9, lines 23-41).

Therefore, at the time the invention it would have been obvious to a person of ordinary skill in

the art to modify Smith in order to save space on the local side.

5.   Claims 17and18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith

(U.S. Patent No. 5, 923, 327) further in view of Alperovich (U.S. Patent No. 6, 175, 741).

Regarding claim 17, Smith discloses the cellular telephone of claim 13. However, Smith fails to

disclose program code for tracking all recipients of said business card information. But,

Alperovich discloses program code for tracking all recipients of said business card information

(column 2, lines 57- column 3, lines 2, column 4, lines 27-43 and claim 5). Therefore, at the time

of the invention it would have been obvious to a person of ordinary skill in the art to combine

Smith (U.S. Patent No. 5, 923, 327) with Alperovich (U.S. Patent No. 6, 175, 741) in order to

update changes in the future, as suggested by Alperovich.

Regarding claim 18, the combination of Smith and Alperovich disclose the cellular phone of

claim 17 further comprising program code for sorting said business card among a plurality of.

business card stored in said non-volatile storage according to user-selected criteria (see Smith

figure 15, column 6, lines 47-62 and column 5, lines 57-64).

6.   Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S.

Patent No. 5, 923, 327) further in view of Pierce (U.S. Patent No. 6, 223, 035).

Regarding claim 27, Smith discloses the cellular phone system of claim 26. However, Smith fail

to disclose non-volatile storage is a database maintained within said network, external to both

said sender's and recipient's cellular phone. But, Pierce discloses non-volatile storage is a

database maintained within said network, external to both said sender's and recipient's cellular

phone (column 3, lines 23-27). Therefore, at the time of the invention it would have been

obvious to a person of ordinary skill in the art to combine Smith (U.S. Patent No. 5, 923, 327)

with Pierce (U.S. Patent No. 6, 223, 035) in order to save data in case the power goes out.

Regarding claim 28, the combination of Smith and Pierce disclose the cellular phone system of

claim 27, wherein both said recipient's and sender's cellular phone (see Smith figure 2, number

210 and 240, column 4, lines 32-46 and column 11, lines 9-18) further comprises program code

for automatically dialing a telephone number on a displayed business card in response to user-

selection of a talk connection feature (see Smith column 7, lines 6-14, column 9, lines 12-41 and

figure 13, numbers 1310 and 1320).

Regarding claim 29, the combination of Smith and Pierce disclose the cellular phone system of

claim 28, wherein both said recipient's and sender's cellular phone further comprises program

code for automatically opening an email message to an email address on a displayed business

card in response to user-selection of an email connection feature (figure 8D, number 841, figure

10, column 7, lines 50-56 figure 13, numbers 1310 and 1320, column 9, lines 12-41).

Regarding claim 30, the combination of Smith and Pierce disclose the cellular phone system of

claims 27, wherein said sender's and recipients cellular phones further comprises program code

for: storing said business card data in a mailbox located at a database remote from said cellular

phone; and storing a contact link of said business card data in non-volatile memory of said

cellular phone, wherein selection of said contact link dynamically links said cellular phone to

said mailbox and uploads said business card data into said cellular phone (see claim 21 above).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828.

The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

NGUYEN T. VO
PRIMARY EXAMINER